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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,968	02/21/2004	John G. Bate	0210-003	4411

7590 09/12/2006
POTOMAC PATENT GROUP PLLC
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McLean, VA 22101-0855

EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,968

Applicant(s)

BATE ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is an answer to the REMARKS received on 6/22/2006.
2. Claims 1-13 are pending in this application.

Response

3. The previous rejections on 35 USC 112, second paragraph are withdrawn. Since the applicants argue features NOT in pending claims; i.e., see page 2, on 4th para., the examiner respectfully submits that Muise teaches what the applicants claim even though Muise's embodiment is in a different environment (please note that different environments/applications do not change a vehicle's abilities - although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 Fed. Cir. 1993); the applicants also argue that Muise does not teach all claimed features; the examiner disagrees; this Office Action maintains the examiner's interpretation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-13 are rejected under 35 U.S.C. § 102(b) as being anticipate by Muise et al. (US Pat. 6,072,248).**

A. As to independent claims 1, 7, and 13: According to what the applicants claim, Muise et al. already suggested a method, a system, and a medium for controlling a vehicle, comprising:

- reducing a speed of the vehicle in response to a vehicle shutdown signal (i.e., transmitting a signal to slow down the vehicle below idling speed, and then to stall the engine by total fuel shut-off - see Muise et al., the abstract, and col. 2 lines 16-26),
- monitoring a speed of the vehicle, and determining whether a vehicle speed is decreasing (i.e., by manually or automatically with equipments viewing/observing, and estimation from a POLICE CRUISER, see Muise et al., Fig. 4C),

The following IF condition is decided for a “YES” or “NO” answer; the examiner assumes that, according to claimed language, IF is “FALSE” (i.e., the vehicle speed IS DECREASING), then the claim STOP HERE (no more requirement is necessary).

- IF “True”, reducing operating power level of the vehicle’s engine (see Muise et al., claims 5, and 15);

Muise et al. also use a reference speed to stop the vehicle (i.e., a speed has reached a predetermined level – see Muise et al., col.3 lines 53-59).

B. As to claims 2-3, and 8-9: Muise et al. teach that vehicle shutdown signal is generated in response to a predetermined condition – such as using by an unauthorized operator (see Muise et al., col. 2 lines 30-38).

C. As to claims 4, and 10: Muise et al. teach that vehicle shutdown signal is transmitted to the vehicle with a transmitter P (see Muise et al., Figs. 4A-4C).

D. As to claims 5, and 11: Muise et al. teach that a reduction is initiated by interrupting a fuel supply to the engine of the vehicle (see Muise et al., Fig. 2C refs. 4, 9; and claim 15).

E. As to claims 6, and 12: Muise et al. teach that after stopping the vehicle, the engine of the vehicle can be started in response to a second predetermined condition (i.e., “after vehicle recovery, a subsequent transmission from the police transmitter, such as a coded number of impulses, may reset the management system or multi-stage valve for resumption of operation.” - see Muise et al., col. 5 lines 58-61).

Conclusions

5. Claims 1-13 are not patentable; accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

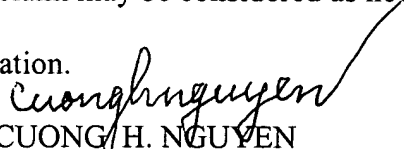
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax

number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661